

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

COURT EXHIBIT

-----X
JESUS ACOSTA ARTICA, et al.,

Plaintiffs,

SPECIAL VERDICT SHEET

-against-

09-CV-3796 (RER)

J.B. CUSTOM MASONRY & CONCRETE, INC.,
et al.

Defendants.
-----X

-----X
JESUS ACOSTA ARTICA, et al.,

Plaintiffs,

-against-

11-CV-0842 (RER)

J.B. CUSTOM MASONRY & CONCRETE, INC.,
et al.

Defendants.
-----X

WAGE CLAIMS

1. HAVE PLAINTIFFS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE THAT DEFENDANTS INTENDED TO PAY PLAINTIFFS FOR AN 8-HOUR WORK DAY AND NOT TO PAY PLAINTIFFS A DAY RATE?

YES X NO ____

2. HAVE PLAINTIFFS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE THAT DEFENDANTS' VIOLATIONS OF THE FAIR LABOR STANDARDS ACT AND NEW YORK LABOR LAW WERE WILLFUL?

YES X NO ____

3. **HAVE PLAINTIFFS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE THAT DEFENDANTS J.B. HOLDING & PROPERTY CORP. AND/OR J.B. RESIDENTIAL, LLC ARE A SINGLE EMPLOYER ALONG WITH J.B. CUSTOM MASONRY & CONCRETE, INC. AND/OR ALFREDO "JOE" BATTAGLIA?**

J.B. HOLDING & PROPERTY CORP.	YES <u>X</u>	NO <u> </u>
J.B. RESIDENTIAL, LLC	YES <u>X</u>	NO <u> </u>

* * *

4. **PLAINTIFF RENE ALEJANDRO CABRERA**

From what dates after 9/2/2003 did plaintiff Rene Alejandro Cabrera prove he worked for defendants?

4/07 - 10/27/10

On average, how many hours per week, if any, did plaintiff Rene Alejandro Cabrera prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Rene Alejandro Cabrera prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Rene Alejandro Cabrera prove he worked for defendants during that period?

40

How much did plaintiff Rene Alejandro Cabrera prove he was paid by defendants per week in wages, on average, during that period?

606

5. **PLAINTIFF JAIME RIVAS**

From what dates after 9/2/2003 did plaintiff Jaime Rivas prove he worked for defendants?

9/6/03 - 12/10

On average, how many hours per week, if any, did plaintiff Jaime Rivas prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Jaime Rivas prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Jaime Rivas prove he worked for defendants during that period?

40

How much did plaintiff Jaime Rivas prove he was paid by defendants per week in wages, on average during that period?

660

6. **PLAINTIFF GENRRIN MEDINA**

From what dates after 9/2/2003 did plaintiff Genrrin Medina prove he worked for defendants?

3/05 - 3/06

On average, how many hours per week, if any, did plaintiff Genrrin Medina prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Genrrin Medina prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Genrrin Medina prove he worked for defendants during that period?

47

How much did plaintiff Genrrin Medina prove he was paid by defendants per week in wages, on average during that period?

630

7. **PLAINTIFF ADONIS LOBO**

From what dates after 9/2/2003 did plaintiff Adonis Lobo prove he worked for defendants?

4/07 - 8/09

On average, how many hours per week, if any, did plaintiff Adonis Lobo prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Adonis Lobo prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Adonis Lobo prove he worked for defendants during that period?

48

How much did plaintiff Adonis Lobo prove he was paid by defendants per week in wages, on average during that period?

750

8. **PLAINTIFF OSMIN LOBO**

From what dates after 9/2/2003 did plaintiff Osmin Lobo prove he worked for defendants?

1/05 - 1/06

On average, how many hours per week, if any, did plaintiff Osmin Lobo prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Osmin Lobo prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Osmin Lobo prove he worked for defendants during that period?

47

How much did plaintiff Osmin Lobo prove he was paid by defendants per week in wages, on average during that period?

540

9. **PLAINTIFF TONY LOBO**

From what dates after 9/2/2003 did plaintiff Tony Lobo prove he worked for defendants?

3/06 - 9/15/07

On average, how many hours per week, if any, did plaintiff Tony Lobo prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Tony Lobo prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Tony Lobo prove he worked for defendants during that period?

47

How much did plaintiff Tony Lobo prove he was paid by defendants per week in wages, on average during that period?

510

10. **PLAINTIFF JUAN ZELAYA**

From what dates after 9/2/2003 did plaintiff Juan Zelaya prove he worked for defendants?

6/05 - 3/09

On average, how many hours per week, if any, did plaintiff Juan Zelaya prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Juan Zelaya prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Juan Zelaya prove he worked for defendants during that period?

47

How much did plaintiff Juan Zelaya prove he was paid by defendants per week in wages, on average during that period?

540

11. **PLAINTIFF NELSON RUIZ**

From what dates after 9/2/2003 did plaintiff Nelson Ruiz prove he worked for defendants?

9/03 - 3/05

On average, how many hours per week, if any, did plaintiff Nelson Ruiz prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Nelson Ruiz prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Nelson Ruiz prove he worked for defendants during that period?

40

How much did plaintiff Nelson Ruiz prove he was paid by defendants per week in wages, on average during that period?

540

12. **PLAINTIFF NILSON CABALLERO**

From what dates after 9/2/2003 did plaintiff Nilson Caballero prove he worked for defendants?

9/20/03 - 8/8/09

On average, how many hours per week, if any, did plaintiff Nilson Caballero prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Nilson Caballero prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Nilson Caballero prove he worked for defendants during that period?

44

How much did plaintiff Nilson Caballero prove he was paid by defendants per week in wages, on average during that period?

630

13. **PLAINTIFF NOSLIN CABALLERO**

From what dates after 9/2/2003 did plaintiff Noslin Caballero prove he worked for defendants?

9/03 - 10/10

On average, how many hours per week, if any, did plaintiff Noslin Caballero prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Noslin Caballero prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Noslin Caballero prove he worked for defendants during that period?

43

How much did plaintiff Noslin Caballero prove he was paid by defendants per week in wages, on average during that period?

675

14. **PLAINTIFF JOSE RUIZ**

From what dates after 9/2/2003 did plaintiff Jose Ruiz prove he worked for defendants?

9/03 - 8/8/09

On average, how many hours per week, if any, did plaintiff Jose Ruiz prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Jose Ruiz prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Jose Ruiz prove he worked for defendants during that period?

42

How much did plaintiff Jose Ruiz prove he was paid by defendants per week in wages, on average during that period?

750

15. **PLAINTIFF HUGO RIVAS**

From what dates after 9/2/2003 did plaintiff Hugo Rivas prove he worked for defendants?

9/03 - 3/10

On average, how many hours per week, if any, did plaintiff Hugo Rivas prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Hugo Rivas prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Hugo Rivas prove he worked for defendants during that period?

32

How much did plaintiff Hugo Rivas prove he was paid by defendants per week in wages, on average during that period?

660

16. **PLAINTIFF MILTON LOBO**

From what dates after 9/2/2003 did plaintiff Milton Lobo prove he worked for defendants?

9/03 - 6/04

On average, how many hours per week, if any, did plaintiff Milton Lobo prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Milton Lobo prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Milton Lobo prove he worked for defendants during that period?

32

How much did plaintiff Milton Lobo prove he was paid by defendants per week in wages, on average during that period?

480

17. **PLAINTIFF ERNESTO GALEANO**

From what dates after 9/2/2003 did plaintiff Ernesto Galeano prove he worked for defendants?

3/05 - 8/15/09

On average, how many hours per week, if any, did plaintiff Ernesto Galeano prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Ernesto Galeano prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Ernesto Galeano prove he worked for defendants during that period?

40

How much did plaintiff Ernesto Galeano prove he was paid by defendants per week in wages, on average during that period?

620

18. **PLAINTIFF PETER VITUCCI**

From what dates after 9/2/2003 did plaintiff Peter Vitucci prove he worked for defendants?

9/05 - 4/10

On average, how many hours per week, if any, did plaintiff Peter Vitucci prove he worked for defendants during that period?

50

On average, how many days per week, if any, did plaintiff Peter Vitucci prove he worked for defendants during that period?

5

On average, how many weeks per year, if any, did plaintiff Peter Vitucci prove he worked for defendants during that period?

46

How much did plaintiff Peter Vitucci prove he was paid by defendants per week in wages, on average during that period?

400

19. **PLAINTIFF JESUS ACOSTA ARTICA**

From what dates after 9/2/2003 did plaintiff Jesus Acosta Artica prove he worked for defendants?

8/05 - 6/09

On average, how many hours per week, if any, did plaintiff Jesus Acosta Artica prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Jesus Acosta Artica prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Jesus Acosta Artica prove he worked for defendants during that period?

43

How much did plaintiff Jesus Acosta Artica prove he was paid by defendants per week in wages, on average during that period?

540

20. **PLAINTIFF ELYN TROCHEZ**

From what dates after 9/2/2003 did plaintiff Elyn Trochez prove he worked for defendants?

6/05 - 11/09

On average, how many hours per week, if any, did plaintiff Elyn Trochez prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Elyn Trochez prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Elyn Trochez prove he worked for defendants during that period?

43

How much did plaintiff Elyn Trochez prove he was paid by defendants per week in wages, on average during that period?

540

21. **PLAINTIFF RENALDO MEDINA**

From what dates after 9/2/2003 did plaintiff Renaldo Medina prove he worked for defendants?

11/06 - 11/08

On average, how many hours per week, if any, did plaintiff Renaldo Medina prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Renaldo Medina prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Renaldo Medina prove he worked for defendants during that period?

42

How much did plaintiff Renaldo Medina prove he was paid by defendants per week in wages, on average during that period?

600

22. **PLAINTIFF ECTOR RUIZ**

From what dates after 9/2/2003 did plaintiff Ector Ruiz prove he worked for defendants?

9/03 - 12/05

On average, how many hours per week, if any, did plaintiff Ector Ruiz prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Ector Ruiz prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Ector Ruiz prove he worked for defendants during that period?

38

How much did plaintiff Ector Ruiz prove he was paid by defendants per week in wages, on average during that period?

480

23. **PLAINTIFF GENARO RUIZ**

From what dates after 9/2/2003 did plaintiff Genaro Ruiz prove he worked for defendants?

9/03 - 9/07

On average, how many hours per week, if any, did plaintiff Genaro Ruiz prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Genaro Ruiz prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Genaro Ruiz prove he worked for defendants during that period?

46

How much did plaintiff Genaro Ruiz prove he was paid by defendants per week in wages, on average during that period?

600

24. **PLAINTIFF MARCO RUIZ**

From what dates after 9/2/2003 did plaintiff Marco Ruiz prove he worked for defendants?

3/06 - 9/09

On average, how many hours per week, if any, did plaintiff Marco Ruiz prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Marco Ruiz prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Marco Ruiz prove he worked for defendants during that period?

45

How much did plaintiff Marco Ruiz prove he was paid by defendants per week in wages, on average during that period?

480

25. **PLAINTIFF ANGEL RUIZ PONCE**

From what dates after 9/2/2003 did plaintiff Angel Ruiz Ponce prove he worked for defendants?

6/09 - 9/09

On average, how many hours per week, if any, did plaintiff Angel Ruiz Ponce prove he worked for defendants during that period?

60

On average, how many days per week, if any, did plaintiff Angel Ruiz Ponce prove he worked for defendants during that period?

6

On average, how many weeks per year, if any, did plaintiff Angel Ruiz Ponce prove he worked for defendants during that period?

12

How much did plaintiff Angel Ruiz Ponce prove he was paid by defendants per week in wages, on average during that period?

750

RETALIATION CLAIMS

26. **HAS PLAINTIFF JESUS ARTICA PROVED HIS CLAIM FOR RETALIATION UNDER THE FLSA AND/OR NEW YORK LABOR LAW BY A PREPONDERANCE OF THE EVIDENCE?**

YES NO X

If you answer "No" to Question 26, please skip Question 27.

27. **STATE SEPARATELY THE AMOUNT OF DAMAGES, IF ANY, THAT PLAINTIFF JESUS ARTICA HAS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE HE SUFFERED AS A RESULT OF DEFENDANTS' RETALIATORY ACTIONS:**

(a) Emotional distress: \$
(b) Punitive damages: \$

If you decide not to make an award as to any of the above items, you will insert the word "none" as to that item.

28. **HAS PLAINTIFF PETER VITUCCI PROVED HIS CLAIM FOR RETALIATION UNDER THE FLSA AND/OR NEW YORK LABOR LAW BY A PREPONDERANCE OF THE EVIDENCE?**

YES X NO

If you answer "No" to Question 28, please skip Question 30.

29. **STATE SEPARATELY THE AMOUNT OF DAMAGES, IF ANY, THAT PLAINTIFF PETER VITUCCI HAS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE HE SUFFERED AS A RESULT OF DEFENDANTS' RETALIATORY ACTIONS:**

(a) Emotional distress: \$ NONE
(b) Punitive damages: \$ 20,000

If you decide not to make an award as to any of the above items, you will insert the word "none" as to that item.

30. **HAS PLAINTIFF NOSLIN CABALLERO PROVED HIS CLAIM FOR RETALIATION UNDER THE FLSA AND/OR NEW YORK LABOR LAW BY A PREPONDERANCE OF THE EVIDENCE?**

YES ____ NO X

If you answer "No" to Question 30, please skip Question 31.

31. **STATE SEPARATELY THE AMOUNT OF DAMAGES, IF ANY, THAT PLAINTIFF NOSLIN CABALLERO HAS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE HE SUFFERED AS A RESULT OF DEFENDANTS' RETALIATORY ACTIONS:**

(a) Emotional distress: \$ _____
(b) Punitive damages: \$ _____

If you decide not to make an award as to any of the above items, you will insert the word "none" as to that item.

32. **HAS PLAINTIFF RENE ALEJANDRO CABRERA PROVED HIS CLAIM FOR RETALIATION UNDER THE FLSA AND/OR NEW YORK LABOR LAW BY A PREPONDERANCE OF THE EVIDENCE?**

YES X NO ____

If you answer "No" to Question 32, please skip Question 33.

33. **STATE SEPARATELY THE AMOUNT OF DAMAGES, IF ANY, THAT PLAINTIFF RENE ALEJANDRO CABRERA HAS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE HE SUFFERED AS A RESULT OF DEFENDANTS' RETALIATORY ACTIONS:**

(a) Emotional distress: \$ NONE
(b) Punitive damages: \$ 40.000

If you decide not to make an award as to any of the above items, you will insert the word "none" as to that item.

34. **HAS PLAINTIFF JAIME RIVAS PROVED HIS CLAIM FOR RETALIATION UNDER THE FLSA AND/OR NEW YORK LABOR LAW BY A PREPONDERANCE OF THE EVIDENCE?**

YES ☐ NO ☒

If you answer "No" to Question 34, please skip Question 35.

35. **STATE SEPARATELY THE AMOUNT OF DAMAGES, IF ANY, THAT PLAINTIFF JAIME RIVAS HAS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE HE SUFFERED AS A RESULT OF DEFENDANTS' RETALIATORY ACTIONS:**

(a) Emotional distress: \$ _____
(b) Punitive damages: \$ _____

If you decide not to make an award as to any of the above items, you will insert the word "none" as to that item.

36. **HAS PLAINTIFF ERNESTO GALEANO PROVED HIS CLAIM FOR RETALIATION UNDER THE FLSA AND/OR NEW YORK LABOR LAW BY A PREPONDERANCE OF THE EVIDENCE?**

YES ☐ NO ☒

If you answer "No" to Question 36, please skip Question 37.

37. **STATE SEPARATELY THE AMOUNT OF DAMAGES, IF ANY, THAT PLAINTIFF ERNESTO GALEANO HAS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE HE SUFFERED AS A RESULT OF DEFENDANTS' RETALIATORY ACTIONS:**

(a) Pain, suffering and emotional distress: \$ _____
(b) Loss of earnings: \$ _____
(c) Punitive damages: \$ _____

If you decide not to make an award as to any of the above items, you will insert the word "none" as to that item.

BREACH OF CONTRACT (Prevailing Wage)

38. **HAS PLAINTIFF RENE ALEJANDRO CABRERA ESTABLISHED HIS BREACH OF CONTRACT (Prevailing Wage) CLAIM BY A PREPONDERANCE OF THE EVIDENCE?**

YES X NO

If you answered "No" to Question 38, proceed to Question 40. If you answered "Yes" to Question 38, please answer the following question.

39. **PLAINTIFF RENE ALEJANDRO CABRERA**

On what dates did plaintiff Rene Alejandro Cabrera prove by a preponderance of the evidence that he worked on prevailing wage jobs for defendants?

6/09 - 6/10

What is the total amount of damages, if any, that plaintiff Rene Alejandro Cabrera proved by a preponderance of the evidence he earned doing prevailing wage jobs for defendants?

29,931.23

40. **HAS PLAINTIFF JAIME RIVAS ESTABLISHED HIS BREACH OF CONTRACT (Prevailing Wage) CLAIM BY A PREPONDERANCE OF THE EVIDENCE?**

YES X NO

If you answered "No" to Question 40, proceed to Question 42. If you answered "Yes" to Question 40, please answer the following question.

41. **PLAINTIFF JAIME RIVAS**

On what dates did plaintiff Jaime Rivas prove by a preponderance of the evidence he worked on prevailing wage jobs for defendants?

6/09 - 6/10

What is the total amount of damages, if any, that plaintiff Jaime Rivas proved by a preponderance of the evidence he earned doing prevailing wage jobs for defendants?

31,059.51

42. **HAS PLAINTIFF NILSON CABALLERO ESTABLISHED HIS BREACH OF CONTRACT (Prevailing Wage) CLAIM BY A PREPONDERANCE OF THE EVIDENCE?**

YES ☐ NO ☒

If you answered "No" to Question 42, proceed to Question 44. If you answered "Yes" to Question 42, please answer the following question.

43. **PLAINTIFF NILSON CABALLERO**

On what dates did plaintiff Nilson Caballero prove by a preponderance of the evidence he worked on prevailing wage jobs for defendants?

What is the total amount of damages, if any, that plaintiff Nilson Caballero proved by a preponderance of the evidence he earned doing prevailing wage jobs for defendants?

44. **HAS PLAINTIFF JOSE RUIZ ESTABLISHED HIS BREACH OF CONTRACT (Prevailing Wage) CLAIM BY A PREPONDERANCE OF THE EVIDENCE?**

YES ☒ NO ☐

If you answered "No" to Question 44, proceed to Question 46. If you answered "Yes" to Question 44, please answer the following question.

45. **PLAINTIFF JOSE RUIZ**

On what dates did plaintiff Jose Ruiz prove by a preponderance of the evidence he worked on prevailing wage jobs for defendants?

7/6/09 - 8/7/09

What is the total amount of damages, if any, that plaintiff Jose Ruiz proved by a preponderance of the evidence he earned doing prevailing wage jobs for defendants?

5,184.56

46. **HAS PLAINTIFF PETER VITUCCI ESTABLISHED HIS BREACH OF CONTRACT (Prevailing Wage) CLAIM BY A PREPONDERANCE OF THE EVIDENCE?**

YES X NO

If you answered "No" to Question 46, proceed to Question 48. If you answered "Yes" to Question 46, please answer the following question.

47. **PLAINTIFF PETER VITUCCI**

On what dates did plaintiff Peter Vitucci prove by a preponderance of the evidence he worked on prevailing wage jobs for defendants?

9/09 - 4/28/10

What is the total amount of damages, if any, that plaintiff Peter Vitucci proved he earned doing prevailing wage jobs?

3,828.60

48. **HAS PLAINTIFF ANGEL RUIZ PONCE ESTABLISHED HIS BREACH OF CONTRACT (Prevailing Wage) CLAIM BY A PREPONDERANCE OF THE EVIDENCE?**

YES X NO

If you answered "No" to Question 48, proceed to Question 50. If you answered "Yes" to Question 48, please answer the following question.

49. **PLAINTIFF ANGEL RUIZ PONCE**

On what dates did plaintiff Angel Ruiz Ponce prove by a preponderance of the evidence he worked on prevailing wage jobs for defendants?

7/09 - 8/7/09

What is the total amount of damages, if any, that plaintiff Angel Ruiz Ponce proved by a preponderance of the evidence he earned doing prevailing wage jobs for defendants?

1,818.58

50. **HAS PLAINTIFF JOSE RUIZ ESTABLISHED HIS BREACH OF CONTRACT (Prevailing Wage) CLAIM BY A PREPONDERANCE OF THE EVIDENCE?**

YES X NO

If you answered "No" to Question 50, proceed to Question 52. If you answered "Yes" to Question 50, please answer the following question.

51. **PLAINTIFF JOSE RUIZ**

On what dates did plaintiff Jose Ruiz prove by a preponderance of the evidence he worked on prevailing wage jobs for defendants?

7/09 - 8/09

What is the total amount of damages, if any, that plaintiff Jose Ruiz proved by a preponderance of the evidence he earned doing prevailing wage jobs for defendants?

5,184.56

52. **HAS PLAINTIFF ERNESTO GALEANO ESTABLISHED HIS BREACH OF CONTRACT (Prevailing Wage) CLAIM BY A PREPONDERANCE OF THE EVIDENCE?**

YES X NO

If you answered "No" to Question 52, proceed to 54. If you answered "Yes" to Question 52, please answer the following question.

53. **PLAINTIFF ERNESTO GALEANO**

On what dates did plaintiff Ernesto Galeano prove by a preponderance of the evidence he worked on prevailing wage jobs for defendants?

6/29/09 - 8/14/09

What is the total amount of damages, if any, that plaintiff Ernesto Galeano proved by a preponderance of the evidence he earned doing prevailing wage jobs for defendants?

12,889.62

ASSAULT AND BATTERY CLAIMS

54. HAS PLAINTIFF ERNESTO GALEANO PROVED HIS CLAIM FOR ASSAULT AGAINST DEFENDANT ALFREDO "JOE" BATTAGLIA BY A PREPONDERANCE OF THE EVIDENCE?

YES X NO

55. HAS PLAINTIFF ERNESTO GALEANO PROVED HIS CLAIM FOR BATTERY AGAINST DEFENDANT ALFREDO "JOE" BATTAGLIA BY A PREPONDERANCE OF THE EVIDENCE?

YES X NO

56. STATE SEPARATELY THE AMOUNT OF DAMAGES, IF ANY, THAT PLAINTIFF ERNESTO GALEANO HAS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE HE SUFFERED AS A RESULT OF DEFENDANT ALFREDO "JOE" BATTAGLIA'S ACTIONS:

(a) Pain, suffering and emotional distress:	\$ <u>15.000</u>
(b) Lost earnings:	\$ <u>30.000</u>
(c) Punitive damages:	\$ <u>350.000</u>

If you decide not to make an award as to any of the above items, you will insert the word "none" as to that item. **NOTE: If you have already awarded full damages to Mr. Galeano for the incident with Mr. Battaglia, Mr. Mannino and Spike under retaliation under FLSA and/or New York Labor Law, you should not award any additional damages here.**

57. HAS PLAINTIFF ERNESTO GALEANO PROVED HIS CLAIM FOR ASSAULT AGAINST DEFENDANT SALVATORE MANNINO BY A PREPONDERANCE OF THE EVIDENCE?

YES X NO

58. HAS PLAINTIFF ERNESTO GALEANO PROVED HIS CLAIM FOR BATTERY AGAINST DEFENDANT SALVATORE MANNINO BY A PREPONDERANCE OF THE EVIDENCE?

YES X NO

59. STATE SEPARATELY THE AMOUNT OF DAMAGES, IF ANY, THAT PLAINTIFF ERNESTO GALEANO HAS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE HE SUFFERED AS A RESULT OF SALVATORE MANNINO'S ACTIONS:

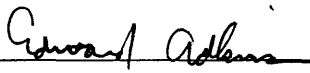
(a) Pain, suffering and emotional distress:	\$ <u>NONE</u>
(b) Loss of earnings:	\$ <u>NONE</u>
(c) Punitive damages:	\$ <u>80,000</u>

If you decide not to make an award as to any of the above items, you will insert the word "none" as to that item.

60. HAS PLAINTIFF ERNESTO GALEANO PROVED BY A PREPONDERANCE OF THE EVIDENCE THAT ALFREDO "JOE" BATTAGLIA WAS ACTING AS A CORPORATE REPRESENTATIVE OF EITHER J.B. CUSTOM MASONRY & CONCRETE, INC., J.B. HOLDING & PROPERTY CORP. AND/OR J.B. RESIDENTIAL, LLC IN RELATION TO THE ASSAULT AND BATTERY?

J.B. CUSTOM MASONRY & CONCRETE, INC.	YES <u>X</u>	NO <u> </u>
J.B. HOLDING & PROPERTY CORP.	YES <u>X</u>	NO <u> </u>
J.B. RESIDENTIAL, LLC	YES <u>X</u>	NO <u> </u>

SO SAY WE ALL

SIGNED: 
Foreperson

DATED: 3/23/12